

REMARKS

The application has been amended to place it in condition for allowance at the time of the next Official Action.

Claims 51-76 were previously pending in the application. Claim 75 is canceled and new claims 77 and 78 are added. Therefore, claims 51-74 and 76-78 are presented for consideration.

Claims 51-54, 57, 58, 60, 61, 63-65, 67, 68, 70-72 and 75 were rejected under 35 USC §102(b) as being anticipated by KIMURA 5,224,714. That rejection is respectfully traversed.

Claim 51 is amended to clarify the device for biasing and recites a device for biasing the flat surface towards the frusto-conical surface about a pivot center to maintain the gaps with a predetermined dimensional range. Support for the amendment may be found at least in Figure 4, element 5 and page 11, lines 8-12.

The Official Action offers element 10 of KIMURA as a biasing device.

In KIMURA, element 10 is a coiled spring interposed between a ring container 5 and a spring retainer 6 (see column 3, lines 64-67). KIMURA fails to disclose a device for biasing the flat surface towards the frusto-conical surface about a pivot center.

As the reference does not disclose that which is recited, the anticipation rejection of claim 51 is not viable.

Reconsideration and withdrawal of the rejection are respectfully requested.

The dependent claims are believed patentable at least for depending from an allowable independent claim.

Claims 51-58, 60, 61, 63-72, 75 and 76 were rejected under 35 USC §103(a) as being unpatentable over KIMURA in view of IDE 4,738,453. That rejection is respectfully traversed.

As set forth above, KIMURA fails to disclose or suggest a device for biasing the flat surface towards the frusto-conical surface about a pivot center. IDE also fails to disclose a device for biasing the flat surface towards the frusto-conical surface about a pivot center. Rather, IDE rocks about a pair of flexible legs 41, 42 to move in up to three directions (see column 2, line 47 to column 3, line 2).

Moreover, KIMURA and IDE teach alternative ways of generating a small controlled gap between sealing faces in a fluid seal. Thus, it would not have been obvious to pick and choose selected portions of KIMURA or IDE as these disclosures are two different ways of achieving the same results.

Independent claim 76 is amended along the lines of claim 51 and the analysis above regarding claim 51 is equally applicable to claim 76.

Moreover, claim 76 recites that the pivot is a spherical pivot. A spherical pivot is not disclosed or suggested by the proposed combination of references.

New claims 77 and 78 are added. New independent claim 77 recites that the or each tile element is pivotally mounted about a spherical pivot on the carrier. The analysis above regarding claim 51 is equally applicable to claim 77. Support for claim 77 can be found at least on page 15, lines 1-11. Support for claim 78 can be found at least on page 11, lines 6-17.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance, and reconsideration and allowance are respectfully requested.

Please charge the fee of \$26.00 for the extra dependent claim added to our credit card which is being paid online simultaneously herewith.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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